

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JOSE NUNO,  
Defendant.

Case No. 10-cr-00301-BLF-2


**ORDER DENYING MOTION FOR  
MODIFICATION OF SENTENCE  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**  
[RE: ECF 320]

On January 21, 2015, Defendant Jose Nuno ("Nuno"), acting *pro se*, filed a "Pro Se Motion for Modification of Sentence Pursuant to 18 U.S.C. §3582(c)(2)." *See* Def.'s Motion, ECF 320. In that motion, Nuno seeks a reduction of his sentence pursuant to United States Sentencing Guideline Amendment 782. *Id.* On March 3, 2015, the Federal Public Defender filed a Notice of Non-Intervention. Notice, ECF 328. On March 25, 2015, the United States Probation Office filed a Sentence Reduction Investigation Report stating that Nuno is not eligible for a reduction in sentence because his original sentence was 120 months, which is the statutory mandatory minimum, and his guideline range was not lowered by Amendment 782. Report, ECF 335. The Sentence Reduction Investigation Report represents that the Government agrees that Nuno is not entitled to a reduction. *Id.*

Having reviewed Nuno's motion, the Sentence Reduction Investigation Report, and the record in this case, the Court concludes that Nuno is not eligible for a reduction in sentence. Accordingly, his motion is DENIED.

**IT IS SO ORDERED.**

Dated: June 1, 2015

  
BETH LABSON FREEMAN  
United States District Judge